

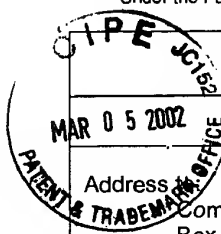
03-06-02

CPA/11600

PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. Department of Commerce

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3-14-02  
p.2

# **CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address  
Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

Attorney Docket No. of Prior Application	271010-445
First Named Inventor	Hallenbeck
Examiner Name	Brunovskis
Group Art Unit	1632
Express Mail Label No.	EF010570024US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/373,938, filed on August 13, 1999,  
entitled "Adenoviral Vectors Including DNA Sequences Encoding Angiogenic Inhibitors".

## **NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice" Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 35 CFR 178(a)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
 -----
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, D.C. 20231. #132661

03/07/2002 TGEDAHU1 00000022 09373938

01 FC:131  
02 FC:103

740.00 OP  
234.00 OP



27162

PATENT TRADEMARK OFFICE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) OR (i))		33 - 20* =	13	x \$ 18.00 =	\$ 234.00
INDEPENDENT CLAIMS (37 CFR 1.16(c) OR (i))		2 - 3** =	0	x \$ 84.00 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ =	0
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	974.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
TOTAL					\$974.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-0678.
- a. ☒ Fees required under 37 CFR 1.16
- b. ☒ Fees required under 37 CFR 1.17
- c. ☒ Fees required under 37 CFR 1.18
8. ☒ A check in the amount of \$974.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired  
(prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein)
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: .....

**NOTE:** The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below

## 14. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

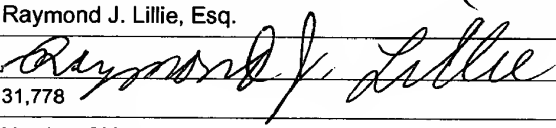
27162

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name					
Address					
City					
Country	State	Zip			
Telephone	Fax				

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Raymond J. Lillie, Esq.
Signature	
Registration No. (Attorney/Agent)	31,778
Date	March 5, 2002

RECEIVED

TECH CENTER 1600/2900

MARCH 1 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pat nt Examining Operations



27162

PATENT TRADEMARK OFFICE

Applicant(s): Hallenbeck, et al.

Serial No: 09/373,938

Art Unit: 1632

Filed: August 13, 1999

Examiner: Brunovskis

Title: Adenoviral Vectors Including DNA Sequences Encoding Angiogenic Inhibitors

Attorney

Docket No.: 271010-445

Customer No. 27162

TRANSMITTAL LETTER

**Box CPA**

Commissioner for Patents  
Washington, D.C. 20231

SIR:

Enclosed please find the following:

1. Continued Prosecution Application (CPA) Request Transmittal;
2. Request for five months Extension of Time;
3. Check No. 6852 in the amount of \$2,934.00; and
4. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit **Account No. 03-0678**.

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EF010570024US

Deposit Date: March 5, 2002

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to:

**BOX CPA**  
Commissioner for Patents  
Washington, DC 20231

*Raymond J. Lillie*  
Raymond J. Lillie

*3/5/02*  
Date

Respectfully submitted,

*Raymond J. Lillie*

Raymond J. Lillie, Esq.

Reg. No. 31,778

CARELLA, BYRNE, BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN

6 Becker Farm Road

Roseland, NJ 07068

Tel. No.: (973) 994-1700

Fax No.: (973) 994-1744

RECEIVED  
MAR 11 2002  
TECH CENTER 1600/2900